



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 15] नई दिल्ली, बृहस्पतिवार, अप्रैल 26, 1990, वैशाख 6, 1912
No. 15] NEW DELHI, THURSDAY, APRIL 26, 1990/VAISAKHA 6, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 26th April, 1990:—

BILL No. 59 OF 1990

A Bill to provide for employment or for means and resources for self employment to all adult citizens of the country.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Employment Guarantee Act, 1990.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires, "State" means the Government of India and includes the Government of a State and all local or other authorities under the control of Government of India or of a State.

3. It shall be obligatory on the part of the State to provide employment to all adult citizens seeking employment.

Short
title and
com-
mence-
ment.

Defini-
tion.

Provi-
sion of
employ-
ment to
all
adult
citizens.

Emp-
loyees
not to
involve
in any
other
activity.

4. (1) Every citizen who has secured a job shall not involve himself in any activity other than his employment resulting in financial or other gains.

(2) Any citizen who is provided with a job shall have to relinquish his ownership or share of any movable or immovable property, except those used by him for his residential purposes, within two years of joining the service if the income from the employment is rupees one thousand per month or more.

Periodical
promotions
to em-
ployees.

5. It shall be obligatory on the part of the State to ensure periodical promotions to all employees on the basis of tests and/or performance.

Applica-
tions
from
persons
already
em-
ployed.

6. No application for any other employment from a person who is already in service shall be entertained without that person having resigned from previous service, whether it be Government or public undertaking or private service.

Provi-
sion of
facilities
for self-
employ-
ment.

7. The State shall provide cheap credit, subsidy and other facilities to all citizens, including retired persons, seeking self-employment.

Punish-
ment.

8. Any person violating the provisions of section 4 shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding rupees ten thousand or with both.

Power to
make
rules.

9. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Galloping unemployment among both educated and uneducated youth has become a major and explosive national problem. Any delay in the solution of this problem is to the detriment of our vital national interests and goals.

Unemployed persons seldom get chance for new jobs as most of the applicants for any new job are from amongst already employed persons. Similarly, shares in or partitions of joint agricultural holdings by the fast growing class of educated and other gainfully employed persons adversely affects the development of agricultural production. This class of absentee owners has got little interest in and time for agricultural production. It has got interest only in ownership in land only as a means of security. Those who cultivate have no ownership right and those who have do not cultivate.

Many employed persons involve themselves in activities, other than the jobs they are employed in, resulting in financial gains and thus depriving the unemployed persons a chance to seek livelihood. Some sort of punishment should be given to such individuals to ensure the principle of one person one job.

Side by side, more promotional opportunity for the employed is necessary to enable them to concentrate on their jobs. Adequate means and resources through cheap credits at differential rates of interest and subsidies, etc., for gainful production through self-employment to those unemployed can go a long way in mitigating the problem of unemployment. This will boost the economy of the nation also.

But this cannot be done without active stewardship by the Central Government and the State Governments.

Hence this Bill.

NEW DELHI;
March 12, 1990.

BHOGENDRA JHA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the State shall provide employment to all adult citizens. Clause 7 provides that the State shall provide subsidy and other facilities to all citizens, including retired citizens, seeking self-employment. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India in implementing the provisions of the Bill. Moreover, the State Governments may have to be given financial assistance for implementing the provisions.

The number of unemployed persons is not known and as such an estimate of expenditure cannot be given at this stage. However, it is likely to involve an annual recurring expenditure of about rupees one thousand crores from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 52 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1990. Short title
and com-
mencement.
- (2) It shall come into force at once.
2. In article 51 of the Constitution, after clause (d), the following clause shall be inserted, namely:— Amend-
ment of
article 51.

“(e) collaborate with other nations for the early formation of a World Constituent Assembly to draft the Constitution for a World Federal Government.”.

STATEMENT OF OBJECTS AND REASONS

The time is opportune, nay ripe, for all good men and good governments of the world to get together and make earnest efforts for convening a World Constituent Assembly as a preparatory step towards the establishment of a Parliament of Man and Federation of the World. War cannot be abolished, nor can a warm living peace descend on earth, unless such a world order based on World Law is firmly founded.

Hence this Bill.

NEW DELHI;
March 14, 1990.

YAMUNA PRASAD SHASTRI.

BILL No. 55 OF 1990

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 1990.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

C.O. 19. 2. In the Constitution (Scheduled Castes) Order, 1950 (hereinafter referred to as the Order), paragraph 3 shall be omitted.

Omission
of para-
graph 3.

3. In the Schedule to the Order, in Part VIII.—Kerala, after entry 18, the following entry shall be inserted, namely:—

Amend-
ment of
the
Schedule.

“18A. Fisherman”.

STATEMENT OF OBJECTS AND REASONS

The Constitution (Scheduled Castes) Order, 1950, lists certain castes, races or tribes or groups within castes or tribes, etc. for providing them with certain benefits like reservation in educational institutions, services under the State, etc. The basis for the inclusion of these castes in the Schedule was their socio-economic backwardness.

However, a large number of socially and economically backward castes or groups have not yet been included in the Schedule. One such group is that of 'fishermen' who live on the coastal and inland region of Kerala. The grievances of this socially and economically backward groups have not yet received the attention of the State. When the Government is taking steps to amend the Constitution (Scheduled Castes) Order, 1950, to include another backward social group, namely, the Neo-Buddhists in the Schedule, it is the most opportune time to take a fresh look at the question of listing other socio-economically backward sections of our society in the Schedule irrespective of the religion they profess. Some of the fishermen have embraced Christianity and are thus unable to enjoy the benefits given to the castes specified in the Schedule as the Presidential Order of 1950 extends only to the Hindus and Sikhs. But, this discrimination on the ground of religion is against the spirit of secularism as enshrined in the Constitution. Therefore, it has become necessary to delete paragraph 3 of the Constitution (Scheduled Castes) Order, 1950.

The Bill seeks to achieve the above purpose.

NEW DELHI;

March 15, 1990.

K. V. THOMAS

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for omission of paragraph 3 of the Constitution (Scheduled Castes) Order, 1950. The enforcement of this legislation shall entitle the Christian, Buddhist and Muslim members of the Scheduled Caste origin, the benefits, which are at present being enjoyed by the Scheduled Castes of Hindu and Sikh religion.

The Bill, therefore, if enacted, will involve an annual recurring expenditure of rupees five crores from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crores is also likely to be incurred.

BILL NO. 51 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1990.

Amend-
ment of
article 171.

2. In article 171 of the Constitution, in sub-clause (c) of clause (3), the words “not lower in standard than that of a secondary school” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

At present only those teachers who are engaged in teaching for at least three years in secondary schools are entitled to elect members to the State Legislative Councils. The teachers of primary and middle schools do not form the electorate. This is discriminatory. Now that even an eighteen year old person is eligible to vote, it would be in the fitness of things, if teachers of primary and middle schools, are also permitted to vote in elections, for electing representatives to the Legislative Councils of the States.

Hence this Bill.

NEW DELHI;

Y. S. RAJA SEKHAR REDDY

March 17, 1990.

BILL NO. 47 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1990.

Insertion
of new
article
15A.

2. After article 15 of the Constitution, the following article shall be inserted, namely:—

Right to
work.

“15A. (1) The State shall provide work to all adult citizens according to their capacity to work and ensure payment of suitable remuneration for their work.

(2) Any citizen, who is eligible for employment under clause (1), if not provided with employment shall be given an unemployment allowance for his subsistence till he is provided with a job.

Amend-
ment of
article 19.

3. In article 19 of the Constitution, in clause (1), after sub-clause (g), the following sub-clauses shall be inserted, namely:—

“(h) to public assistance in cases of old age, sickness and physical, mental and social disablement;

(i) to education upto the secondary level.”.

Omission
of
article 41.

4. Article 41 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The number of registered unemployed persons has assumed alarming proportions and if rural unregistered unemployed and semi-employed are taken into account, the total will be about 13 crores in the whole country. Every year over 10 million job seekers are coming afresh into the employment market and a majority of them join the ranks of the unemployed. This growing unemployment is creating a sense of frustration and desperation among the youth of our country creating new social and law and order problems.

In order to meet with the explosive situation created by the unemployment, the State should come forward to take up the responsibility of securing jobs to the unemployed. However, as the number of unemployed persons is large and as it will take some time to secure jobs for them, unemployment relief may be given to them so as to keep dissatisfaction within a limit.

Our country, being a Welfare State, should take up the responsibility of taking care of the old, infirm and disabled by providing public assistance to them. In order to eradicate illiteracy, the State should provide education upto secondary level. These principles to be adopted by the State have yet to be given a legal sanctity and the Bill seeks to achieve the above objectives.

NEW DELHI;
March 9, 1990.

HARISH RAWAT.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for unemployment allowance for the jobless persons till they are provided with employment.

Clause 3 of the Bill provides for public assistance in cases of old age, sickness and disablement, and for free education upto secondary level.

The Central Government has to incur expenditure for payment of unemployment allowance, etc. in respect of Union territories. The State Governments will incur expenditure from their respective consolidated funds in implementing the provisions of the Bill. The Union Government may have to extend some financial assistance to the State Governments for this purpose.

The Bill, therefore if enacted, will involve expenditure from the Consolidated Fund of India. It is difficult to make any actual estimate of expenditure. However, a recurring expenditure of rupees one thousand crores is likely to be involved per annum.

A non-recurring expenditure of about rupees two crores is also likely to be involved.

SUBHASH C. KASHYAP,
Secretary-General.